

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Plaintiff has brought this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) seeking judicial review of the final decision of the Commissioner of Social Security denying his claim for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”). In accord with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 DSC, this matter was referred to a United States Magistrate Judge for pre-trial handling. The Magistrate Judge issued a Report and Recommendation on January 23, 2013 recommending that the Commissioner’s decision be affirmed. (Dkt. No. 22). Plaintiff filed no objection to the Magistrate Judge’s Report and Recommendation.

Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation of the

Magistrate Judge. 28 U.S.C. § 636(b)(1).

Discussion

The Court has reviewed the Magistrate Judge's Report and Recommendation, the record in this matter, and the applicable statutory and case law. The Court finds that the Magistrate Judge has ably and thoroughly addressed the factual and legal issues in this matter and correctly concluded that the decision of the Commissioner should be upheld. Therefore, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as the order of the Court and **AFFIRMS** the decision of the Commissioner.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

February 20, 2013
Charleston, South Carolina